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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,165	10/24/2003	Shuzo Nagami,	P/1250-265	1660
2352 7590 07/03/2007 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
			EXAMINER KORNAKOV, MIKHAIL	
			ART UNIT 1746	PAPER NUMBER
			MAIL DATE 07/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,165

Applicant(s)

NAGAMI ET AL.

Examiner

Michael Kornakov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicants' amendment dated 04/18/2007 is acknowledged. Claim 2 is canceled and the essence of the limitations of claim 2 are incorporated in claim 1. Claims 1, 3-25 are pending. Claims 7-25 are withdrawn as being directed to non-elected inventions. Claims 1, 3-6 are currently examined on the merits.
2. It is noted that while claim 2 was not indicated as allowable, and actually in the Disposition of Claims on PTOL-326 it was indicated among rejected claims, claim 2 has not been included in the rejections under 102 (e) or 103 (a) of the previous Office Action dated 01/18/2007. Therefore, Applicant's arguments of 04/18/2007 with respect to claims 1, 3-6 have been considered but are moot in view of the new ground(s) of rejection.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehgal (US 2004/0050406)

Sehgal teaches a processing system, which can be used for drying a substrate (0066), thus removing a processing solution adhered to a substrate, as instantly recited. The system of Sehgal comprises a pressure chamber 10 (reads on "a processing chamber", as instantly claimed) for isolating substrate from the outside atmosphere; substrate support (0068); heating and pressure elements (22, 24) being fully capable of supplying a vapor to pressure chamber when a valve 28 is open, thus realizing rise in temperature and pressure in the processing chamber 10; a pressure

relief valve (reads on “a release element/a second valve”, as instantly recited), being fully capable of releasing the atmosphere in the pressure chamber in an external atmosphere; programmable system controllers for the desired operation of system valves, which includes operation of a pressure relief valve (0061-0064).

The teaching of Sehgal does not specifically indicate that release the pressure in the pressure chamber takes place when the processing solution reaches a certain temperature in the pressure chamber. However, it is noted that such limitation is mostly concerned with operation of the apparatus rather than with its structural elements. “[A]pparatus claims cover what a device is, not what a device does.”, consult *In Re Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469, 15 USPQ2d 1525, 1528 (Fed. Cir. 1990). Furthermore, since Sehgal teaches programmable system controllers for the operation of system valves and appropriate temperature sensors and controllers that function to prevent “over temperature” conditions within the chamber, it is within the skills of the ordinary skilled in the art to realize release the pressure in the pressure chamber when the processing solution reaches a certain temperature while processing a substrate in the pressure chamber of Sehgal.

With regard to claim 4, Sehgal teaches a heating system for heating a processing chamber. With regard to claim 5, Sehgal teaches that the pressure chamber 10 includes a drain.

In specific regard to claim 6, it is noted here that “[i]nclusion of material (“pure water” M.K.) worked upon by a structure being claimed does not impart patentability to the claims”, consult *In re Young*, 75 F.2d 966, 25 USPQ 69 (CCPA 1935).

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5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehgal (US 2004/0050406) in view of De Young et al (U.S. 6,782,900).


The teaching of Sehgal remains silent about a gas supply element for supplying inert gas to the pressure chamber. However, such element is conventionally utilized in the art for supplying inert gas to the processing pressure chamber(s) in order to displace process fluids from the processing chamber. Thus, De Young teaches a pressure processing apparatus wherein an inert gas supply element, such as a tank filled with helium, nitrogen or argon is connected to the pressure chamber in order to displace process fluid(s) between processing steps (col. 17, lines 57-60). Therefore, one skilled in the art motivated by De Young, would have found obvious to add the inert gas tank of De Young to the processing system of Sehgal in order to enhance removal of cleaning/drying composition from the pressure chamber by purging it with the inert gas upon processing the substrate in the pressure chamber of Seghal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael Kornakov
Primary Examiner
Art Unit 1746

06/28/2007